

**RESOLUTION NO. 73578**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE MAKING CERTAIN FINDINGS CONCERNING MITIGATION MEASURES, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, MAKING FINDINGS CONCERNING ALTERNATIVES, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE FOX PROPERTY GENERAL PLAN AMENDMENT PROJECT, FOR WHICH AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (C.E.Q.A.)**

WHEREAS, the Fox Property General Plan Amendment Project (“Project”) requires the City of San Jose (“City”) to approve an amendment to the City of San Jose 2020 General Plan (file no. GP06-04-02); and

WHEREAS, prior to the adoption of this Resolution, the Planning Commission of the City of San José has certified that the Final Environmental Impact Report (“FEIR”), for the Fox Property General Plan Amendment was completed in accordance with the requirements of the California Environmental Quality Act (“CEQA”) of 1970, as amended, and state and local guidelines; and

WHEREAS, no appeal of the certification of the FEIR by the Planning Commission was filed with the City of San José; and

WHEREAS, the project analyzed under the FEIR consisted of a General Plan Amendment from *Industrial Park (IP) and Industrial Park with a Mixed Industrial Overlay to High Density Residential (25-50 DU/AC) and Neighborhood/Community Commercial*; and

WHEREAS, the City Council of the City of San José is the decision-making body for the Fox Property General Plan Amendment Project (“Project”); and

WHEREAS, the City Council of the City of San José intends to approve actions related to the Project as identified in Exhibit A, entitled “APPROVAL OF THE PROPOSED FOX PROPERTY GENERAL PLAN AMENDMENT PROJECT” attached to this Resolution and incorporated herein by this reference; and

WHEREAS, CEQA requires that in connection with the approval of a project for which a FEIR has been prepared which identifies one or more significant environmental effects, the decision-making body of a responsible agency must make certain findings regarding those significant effects on the environment identified in the FEIR; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

THAT THE CITY COUNCIL hereby finds that it has independently reviewed and analyzed the FEIR and other information in the record and has considered the information

contained therein including the written and oral comments received at the public hearings on the FEIR and on the Project, prior to acting upon or approving the Project, and has found that the FEIR represents the independent judgment and analysis of the City of San José as Lead Agency for the Project, and designates the Director of Planning, Building and Code Enforcement at his office at 200 East Santa Clara Street, San José, California 95113-1905, as the custodian of documents and records of proceedings on which this decision is based; and

THAT THE CITY COUNCIL does hereby make the following findings with respect to the significant effects on the environment of the Project as it is described in Exhibit A attached to this Resolution:

## **I. FINDINGS CONCERNING SIGNIFICANT ENVIRONMENTAL EFFECTS**

### **A. TRANSPORTATION**

#### **1. Impacts**

Based on the impact criteria for the proximity analysis, the GPA will result in significant long range traffic impacts.

Based on the impact criteria for the screenline analysis, the GPA will result in significant long range traffic impacts.

#### **Mitigation**

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Future development on the project site would be subject to General Plan policies, including the following:

- *Services and Facilities Level of Service Policy #5* requires that the minimum overall performance of City streets during peak travel periods should be level of service “D”. To meet that goal, the policy states that development proposals should be reviewed for their measurable impacts on the level of service and should be required to provide appropriate mitigation measures if they have the potential to reduce the level of service to “D” or worse.
- *Transportation Policy # 1 (Thoroughfares)* states that inter-neighborhood movement of people and goods should occur on thoroughfares and is discouraged on neighborhood streets.
- *Transportation Policy #3 (Thoroughfares)* states that public street right-of-way dedication and improvements should be required as development occurs. Ultimate thoroughfare right-of-way should be no less than the dimensions as shown on the Land Use/Transportation Diagram except when a lesser right-of-way will avoid

significant social, neighborhood or environmental impacts and perform the same traffic movement function.

- *Transportation Policy #8 (Thoroughfares)* states that vehicular, bicycle, and pedestrian safety should be an important factor in the design of streets and roadways.
- *Transportation Policy #9 (Impacts on Local Neighborhoods)* states that neighborhood streets should be designed to discourage through traffic and unsafe speeds. If neighborhood streets are used for through traffic or if they are traveled at unsafe speeds, law enforcement and traffic operations techniques should be employed to mitigate these conditions.
- *Transportation Policy #11 (Transit Facilities)* states that the City should cooperate with transportation agencies to achieve the following objectives for the County's public transit system:
  - Provide all segments of the City's population, including the handicapped, elderly, youth and economically disadvantaged, with adequate access to public transit. Public transit should be designed to be an attractive, convenient, dependable and safe alternative to the automobile.
  - Enhance transit service in major commute corridors, and provide convenient transfers between public transit systems and other modes of travel.
- *Transportation Policy #16 (Pedestrian Facilities)* states that pedestrian travel should be encouraged as a viable mode of movement between high density residential and commercial areas throughout the City and in activity areas such as schools, parks, transit stations, and in urban areas, particularly the Downtown Core Area and neighborhood business districts by providing safe and convenient pedestrian facilities.
- *Transportation Policy #41 (Bicycling)* states that the City should develop a safe, direct, and well-maintained transportation bicycle network linking residences, employment centers, schools, parks and transit facilities and should promote bicycling as an alternative mode of transportation for commuting as well as for recreation.
- *Transportation Policy #42 (Bicycling)* states that bike lanes are considered generally appropriate on arterial and major collector streets. Right-of-way requirements for bike lanes should be considered in conjunction with planning the major thoroughfares network and in implementing street improvement projects.
- *Transportation Policy #43 (Bicycling)* states that priority improvements to the Transportation Bicycle Network should include:
  - Bike routes linking light rail stations to nearby neighborhoods.
  - Bike paths along designated trails and pathways corridors.

- Bike paths linking residential areas to major employment centers.

### **Finding**

The proposed GPA would result in significant impacts due to an increase in peak hour traffic volumes in proximity to the site and a significant increase in volume to capacity ratios on the affected screenlines. Since the CUBE model used to evaluate cumulative traffic impacts includes all major transportation infrastructure identified in the General Plan Land Use/Transportation Diagram, including infrastructure that is not yet built and/or funded, no feasible mitigation measures would reduce the impacts of the project to a less than significant level. Although implementation of the General Plan policies identified above would reduce the impacts of the proposed amendment, the impacts would remain at **significant and unavoidable levels**

## **B. HAZARDS AND HAZARDOUS MATERIALS**

### **1. Impacts**

Soil contamination on the site from the previous agricultural use and recycling facility could result in a significant impact to future residents of the site.

Groundwater contamination on the site from the previous uses could result in significant impacts to future residents of the site.

Development within proximity of the buried debris pit could result in impacts to future users of the site due to contaminated soil vapor.

### **Mitigation**

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Future development on the project site would be subject to General Plan policies, including the following:

- *Hazardous Materials Policy #1* states the City should require proper storage and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal.
- *Hazardous Materials Policy #2* states the City should support State and Federal legislation which strengthen safety requirements for the transportation of hazardous materials.
- *Hazardous Materials Policy #3* states the City should incorporate soil and groundwater contamination analysis within the environmental review process for development proposals. When contamination is present on a site, the City should

report this information to the appropriate agencies that regulate the cleanup of toxic contamination.

- *Soil and Geologic Conditions Policy #9* states that residential development proposed on property formerly used for agricultural or heavy industrial uses should incorporate adequate mitigation/remediation for soils contamination as recommended through the Development Review process.

### **Finding**

Implementation of the identified General Plan policies would reduce the significant hazardous material impacts on future residents of the site to **less than significant levels**.

## **C. CULTURAL RESOURCES**

### **1. Impacts**

Development of the site under the proposed land use designations could result in impacts to buried cultural resources.

### **Mitigation**

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Future development on the project site would be subject to General Plan policies, including the following:

- *Historic, Archaeological and Cultural Resources Policy #1* states because historically or archaeologically significant sites, structures and districts are irreplaceable resources, their preservation should be a key consideration in the development review process.
- *Historic, Archaeological and Cultural Resources Policy #8* states for proposed development sites which have been identified as archaeologically sensitive, the City should require investigation during the planning process in order to determine whether valuable archaeological remains may be affected by the project and should also require that appropriate mitigation measures be incorporated into the project design.
- *Historic, Archaeological and Cultural Resources Policy #9* states recognizing that Native American burials may be encountered at unexpected locations, the City should impose a requirement on all development permits and tentative subdivision maps that, upon discovery of such burials during construction, development activity will cease until professional archaeological examination and reburial in an appropriate manner is accomplished.

## **Finding**

Implementation of relevant General Plan policies would reduce the impacts of the proposed project on cultural resources to a **less than significant level**.

## **D. NOISE**

### **1. Impacts**

Residential uses would be exposed to exterior noise levels greater than 60 dBA DNL on the site, which exceeds the noise and land use compatibility standards in the City of San José's General Plan.

Single event noise levels of up to 95 dBA, resulting from the trains passing the site would exceed the maximum instantaneous interior noise levels of 50 dBA in bedrooms and 55 dBA in other rooms of the proposed residential uses.

Interior noise levels in future residential and commercial uses on the site would exceed 45 dBA DNL without the incorporation of noise insulation features.

## **Mitigation**

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating potential environmental effects resulting from planned development within the City. All future development on the site would be subject to General Plan policies, including the following:

- *Noise Policy #1* states that the City's acceptable noise level objectives are 55 DNL as the long-range exterior noise quality level, 60 dBA DNL as the short-range exterior noise quality level, 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. These objectives are established for the City recognizing that the attainment of exterior noise quality levels in the environs of the San José International Airport, the downtown core area, and along major roadways may not be achieved in the time frame of this plan. To achieve the noise objectives, the City should require appropriate site and building design, building construction, and noise attenuation techniques in new residential development.
- *Noise Policy #8* states the City should discourage the use of outdoor appliances, air conditioners, and other consumer products which generate noise levels in excess of the City's exterior noise level guidelines.
- *Noise Policy #9* states construction operations should use available noise suppression devices and techniques.

- *Noise Policy #11* states when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses, non-residential land uses should mitigate noise generation to meet the 55 DNL guideline at the property line.
- *Urban Design Policy #18* states to the extent feasible, sound attenuation for development along city streets should be accomplished through the use of landscaping, setback, and building design rather than the use of sound attenuation walls. Where sound attenuation walls are deemed necessary, landscaping and an aesthetically pleasing design shall be used to minimize visual impact.

### **Finding**

The proposed GPA, with the implementation of the identified General Plan policies would ensure that exterior and interior noise levels are reduced to a **less than significant level**.

## **2. Impact**

Single-event noise levels of up to 95 dBA, resulting from the trains passing the site, would exceed the maximum instantaneous interior noise levels of 50 dBA in bedrooms and 55 dBA in other rooms of the proposed residential uses.

### **Mitigation**

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating potential environmental effects resulting from planned development within the City. All future development on the site would be subject to General Plan policies, including the following:

- *Noise Policy #12* states that noise studies should be required for land use proposals where known or suspected peak event noise sources occur which may impact adjacent existing or planned land uses.

### **Finding**

The proposed GPA, with the implementation of the identified General Plan policies would ensure that exterior and interior noise levels are reduced to a **less than significant level**.

## **E. AIR QUALITY**

### **1. Impact**

The proposed GPA would result in a significant impact due to its size and potential to generate a substantial increase in air pollutant emissions.

### **Mitigation**

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. All future development allowed by the proposed GPA would be subject to General Plan policies, including the following:

- *Transportation Policy #8 (Thoroughfares)* states that vehicular, bicycle, and pedestrian safety should be an important factor in the design of streets and roadways.
- *Transportation Policy #22 (Pedestrian Facilities)* states that pedestrian pathways and public sidewalks should provide connectivity between uses, such as neighborhoods, schools, parks, libraries, open space, public facilities, shopping centers, employment centers, and public transit. A continuous pedestrian facilities network should include pedestrian connections between neighborhoods, across natural and man-made barriers, between dead-end streets, and to trails and transit.
- *Transportation Policy #41 (Bicycling)* states that the City should develop a safe, direct, and well-maintained transportation bicycle network linking residences, employment centers, schools, parks and transit facilities and should promote bicycling as an alternative mode of transportation for commuting as well as for recreation.
- *Air Quality Policy #1* states the City should take into consideration the cumulative air quality impacts from proposed development and should establish and enforce appropriate land uses and regulations to reduce air pollution consistent with the region's Clean Air Plan and State law.
- *Air Quality Policy #6* states that the City should continue to enforce its ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds (CFCs) in building construction.

### **Findings**

Implementation of the identified General Plan policies would reduce the air quality impacts of the GPA, however, due to its size and potential to generate a substantial increase in air pollutant emissions, the proposed GPA would result in regional air quality impacts at a **significant and unavoidable level**.

## **2. Impact**

Construction and demolition activities related to the development allowed under the proposed land use designations could result in significant short-term air quality impacts.



## Mitigation

BAAQMD has prepared a list of construction dust control measures that will reduce air quality impacts from construction. The following construction practices would be implemented during all phases of construction on the project site:

- Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily (except during periods of rainfall), or apply (non-toxic) soil stabilizers on all staging areas at construction sites.
- Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
- Enclose, cover, water at least twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) to prevent visible dust from leaving the site;
- Limit traffic speed on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

## Findings

The program mitigation measures, identified above, would reduce the short-term construction air quality impacts from future redevelopment of the site to a **less than significant level**.

## F. BIOLOGICAL RESOURCES

### 1. Impact

Future development of the site under the proposed General Plan land use designations may result in impacts to nesting raptors.

## Mitigation

The following mitigation measures would be implemented for any future project specific development under the proposed General Plan land use designations:

- In conformance with federal and state regulations regarding protection of raptors, it is the City of San José's practice to require that appropriate preconstruction surveys for raptors be completed prior to any development on sites where it is reasonable to assume that such species may be located. The preconstruction surveys are used to verify the presence/absence of breeding raptors and the surveys must follow California Department of Fish and Game protocols.

Pre-construction surveys for nesting raptors shall be completed on the site prior to any disturbances that occur during the nesting season (February 1 through August 31) to ensure that raptors are not harmed, injured, or killed as a result of any future development project. These surveys would entail evaluation of all trees within approximately 250 feet of proposed ground disturbance. If an active raptor nest were found on the site during this timeframe, a construction-free buffer zone shall be established to protect the breeding raptors until the young have fledged.

- All future development on the site will be required to conform to the California State Fish and Game Code.
- All future development on the site will be required to conform to the provisions of the Migratory Bird Treaty Act.

### **Finding**

Implementation of the above identified programmed mitigation measures will reduce the impacts of the project on biological resources to a **less than significant level**.

### **1. Impact**

Future development of the site under the proposed General Plan land use designations may result in impacts to special-status species inhabiting Coyote Creek and the riparian corridor.

### **Mitigation**

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. All future development allowed by the proposed GPA would be subject to General Plan policies, including the following:

- *Riparian Corridors and Upland Wetlands Policy #2* states new public and private development adjacent to riparian corridors should be consistent with the provisions of the Riparian Corridor Policy Study.
- *Riparian Corridors and Upland Wetlands Policy #3* states new development within the Urban Service Area should be set back from the outside edge of riparian habitat

(or top of bank, whichever is greater) a distance sufficient to buffer the impacts of adjacent human activities and provide avenues for wildlife dispersal.

- *Riparian Corridors and Upland Wetlands Policy #4* states new development should be designed to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.
- *Riparian Corridors and Upland Wetlands Policy #5* states when disturbances to riparian corridors and upland wetlands cannot be avoided, appropriate measures should be required to restore, or compensate for damage to the creeks or riparian corridors.
- *Riparian Corridors and Upland Wetlands Policy #6* states the City encourages appropriate native plant restoration project along riparian corridors, upland wetlands, and in adjacent upland areas.

### **Finding**

Implementation of the identified General Plan policies will reduce the impacts of the project on biological resources to a **less than significant level**.

## **2. Impact**

Full development of the site under the proposed land use designations could result in the removal of up to 81 ordinance-size trees.

### **Mitigation**

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. All future development allowed by the proposed GPA would be subject to General Plan policies, including the following:

- *Urban Forest Policy #2* states that development project should include the preservation of ordinance-sized, and other significant trees. Any adverse affect on the health and longevity of native oaks, ordinance-sized or other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement.
- *Urban Forest Policy #3* states the City encourages the maintenance of mature trees on public and private property as an integral part of the urban forest. Prior to allowing the removal of any mature tree, all reasonable measures which can effectively preserve the tree should be pursued.

- *Urban Forest Policy #4* states in order to realize the goal of providing street trees along all residential streets, the City should:
  - Continue to update, as necessary, the master plan for street trees which identifies approved species.
  - Require the planting and maintenance of street trees as a condition of development.
  - Continue the program for management and conservation of street trees which catalogs street tree stock replacement and rejuvenation needs.
- *Urban Forest Policy #5* states the City should encourage the selection of trees appropriate for a particular urban site. Tree placement should consider energy saving values, nearby power lines, and root characteristics.
- *Urban Forest Policy #6* states trees used for new plantings in urban areas should be selected primarily from species with low water requirements.
- *Urban Forest Policy #7* states where appropriate, trees that benefit urban wildlife species by providing food or cover should be incorporated in urban plantings.

### **Finding**

Implementation of the identified General Plan policies will reduce the impacts of the project on biological resources to a **less than significant level**.

## **G. HYDROLOGY AND WATER QUALITY**

### **1. Impact**

Future redevelopment of the project site with residential uses would increase the amount of impervious surfaces on the site because ongoing cleanup of soil contamination will leave the site partially unpaved. The proposed GPA, therefore, may increase pollutant loads in storm water runoff.

### **Mitigation**

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Future development on the project site would be subject to General Plan policies, including the following:

- *Water Resources Policy #8* encourages the City to establish non-point source pollution control measures and programs to adequately control the discharge of urban runoff and other pollutants into the city's storm sewers.

- *Water Resources Policy #9* encourages the City to take a proactive role in the implementation of the SCVURPPP, as well as implementation of the City's local non-point source control and storm water management program.

Prior to construction of any phase of the project, the City will require the applicant(s) to submit a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for:

- Soil stabilization practices,
- Sediment control practices,
- Sediment tracking control practices,
- Wind erosion control practices, and
- Non-storm water management and waste management and disposal control practices.

Prior to issuance of a grading permit, the applicant shall be required to submit copies of the NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works. The applicant shall also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.

Each phase of development shall comply with the City of San José Grading Ordinance, including erosion- and dust-control during site preparation, and with the City of San José Zoning Ordinance requirement for keeping adjacent streets free of dirt and mud during construction.

The proposed development shall comply with the NPDES Permit issued to the City of San José and other co-permittees of the SCVURPPP, and with the provisions of the City's Post-Construction Urban Runoff Management Policy, which require the inclusion of a Stormwater Quality Control Plan, site design, pollutant source control, and stormwater treatment control measures to the maximum extent practicable. Future activities that require a permit from the City of San José shall be evaluated for appropriate "best management practices" including, but not limited to, the following:

- use of landscape-based storm water treatment measures, such as bioretention basins and vegetated swales,
- use of disconnected roof downspouts, splash blocks and bubble-up or pop-up drainage emitters,
- minimization of directly connected impervious surfaces and maximization of landscaping and pervious pavement,
- sweeping of streets and on-site paved parking areas,

- routine storm drain cleaning,
- stenciling of all storm drain inlets, and
- covering of dumpsters and material handling areas.

The project shall comply with Provision C.3 of NPDES Permit Number CAS0299718, which provides enhanced performance standards for the management of storm water for new and redevelopment projects.

The project shall comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29), which establishes general guidelines and minimum Best Management Practices (BMPs) for specific land uses.

### **Finding**

Implementation of the above identified General Plan policies and program mitigation measures will avoid or reduce the hydrology and water quality impacts of the project to a **less than significant level**.

## **H. GEOLOGY AND SOILS**

### **1. Impacts**

Soils conditions on the site, including compressible soils and shallow groundwater, may result in significant impacts to future users of the site.

The proposed GPA would allow future development on a site that could expose people and structures to substantial seismic hazards, including liquefaction and ground rupture.

Decomposition of waste buried in the refuse pit on the site could result in substantial settlement, which could impact future structures on the site.

### **Mitigation**

The policies in the City of San José General Plan have been adopted for the purpose of avoiding or mitigating potential environmental effects resulting from planned development within the City. All future development on the site would be subject to General Plan policies, including the following:

- *Soils and Geologic Conditions Policy #1* states that the City should require soils and geologic review of development proposals to assess such hazards as potential seismic hazards, surface ruptures, liquefaction, landsliding, mudsliding, erosion and sedimentation in order to determine if these hazards can be adequately mitigated.
- *Soils and Geologic Conditions Policy #2* states that the City should not locate public improvements and utilities in areas with identified soils and/or geologic hazards to avoid any extraordinary maintenance and operating expenses. When the location of

public improvements and utilities in such areas cannot be avoided, effective mitigation measures should be implemented.

- *Soils and Geologic Conditions Policy #5* states that the Development Review process should consider the potential for any extraordinary expenditures of public resources to provide emergency services in the event of a manmade or natural disaster.
- *Soils and Geologic Conditions Policy #6* states that development in areas subject to soils and geologic hazards should incorporate adequate mitigation measures.
- *Soils and Geologic Conditions Policy #8* states that development proposed within areas of potential geologic hazards should not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties.
- *Earthquake Policy #1* states that the City should require that all new buildings be designed and constructed to resist stresses produced by earthquakes.
- *Earthquake Policy #3* states that the City should only approve new development in areas of an identified seismic hazard if such hazard can be appropriately mitigated.
- *Earthquake Policy #4* states that the location of public utilities and facilities, in areas where seismic activity could produce liquefaction should only be allowed if adequate mitigation measures can be incorporated in to the project.
- *Earthquake Policy #5* states that the City should continue to require geotechnical studies for development proposals; such studies should determine the actual extent of seismic hazards, optimum location for structures, the advisability of special structural requirements, and the feasibility and desirability of a proposed facility in a specified location.

Seismic shaking hazards will be mitigated by implementation of construction practices in accordance with Seismic Zone 4 building criteria as described in the Uniform Building Code.

### **Finding**

Implementation of the above identified General Plan policies and program mitigation measures will avoid or reduce the geology and soils impacts to a **less than significant level**.

## **I. CUMULATIVE IMPACTS**

### **1. Impact**

The cumulative GPAs would result in a substantial decrease in the amount of available industrial land. The proposed GPA, however, would not result in a cumulatively considerable contribution to land use impacts from the loss of industrial land.

### **Mitigation**

This impact is considered less than significant and therefore no mitigation is required.

### **Finding**

The project site is surrounded by a mix of uses and currently has a *Mixed Industrial Overlay*, which allows for uses other than industrial uses. Therefore, the conversion of this site to a residential land use would not significantly contribute to the cumulative loss of industrial land. For these reasons, the proposed GPA's contribution to the cumulative loss of industrial land is **less than significant**.

## **2. Impact**

The proposed GPA would result in a cumulatively considerable contribution to a significant cumulative screenline traffic impact.

### **Mitigation**

Since the CUBE model used to evaluate cumulative traffic impacts includes all major transportation infrastructure identified in the General Plan Land Use/Transportation Diagram, including infrastructure that is not yet built and/or funded, no feasible mitigation measures would reduce the impacts of the project to a less than significant level.

### **Finding**

No feasible mitigation has been identified to reduce this impact to a less than significant level and, therefore, this impact is **significant and unavoidable**.

## **3. Impact**

The cumulative General Plan amendments would result in significant increases in overall VMT and VMT on congested roadway links. The proposed GPA would significantly contribute to the VMT impact on congested roadway links.

### **Mitigation**

Since the CUBE model used to evaluate cumulative traffic impacts includes all major transportation infrastructure identified in the General Plan Land Use/Transportation Diagram, including infrastructure that is not yet built and/or funded, no feasible



mitigation measures would reduce the impacts of the project to a less than significant level.

### **Finding**

No feasible mitigation has been identified to reduce this impact to a less than significant level and, therefore, this impact is **significant and unavoidable**.

## **4. Impact**

The redevelopment allowed under the proposed General Plan amendments would result in an increase in daily trips and vehicle miles traveled. The project, therefore, would make a cumulatively considerable contribution to a cumulative air quality impacts from pending General Plan amendments within the City of San José.

### **Mitigation**

The BAAQMD has identified mitigation measures for reducing vehicle emissions from projects. Feasible mitigation measures to reduce vehicle and other emissions include:

- Provide secure and conveniently placed bicycle parking and storage facilities.
- Allow only natural gas fireplaces.
- Construct transit amenities such as bus turnouts/bus bulbs, benches, shelters, etc.
- Provide direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development.
- Utilize reflective (or high albedo) and emissive roofs and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand.
- Provide physical improvements, such as sidewalk improvements, landscaping and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel.

### **Finding**

The cumulative impact of the project on air quality would not be substantially reduced with implementation of feasible BAAQMD mitigation measures. The proposed GPA, therefore, would contribute to cumulative air quality impacts at a **significant and unavoidable level**.

## **5. Impact**

The proposed project would be served by the Orchard School District and East Side Union High School District, these districts will have adequate school facilities to serve the proposed GPA and other cumulative projects in the area. The proposed projects, along with other cumulative projects served by these districts, are not anticipated to result in a cumulative impact to school facilities.

### **Mitigation**

The City's ability to plan for school facilities is limited by State law in that cities can no longer require the dedication of school sites in conjunction with the planning process. State law (Government Code 65996) specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to issuance of the building permit. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code. The school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would partially offset the costs of serving project-related increases in student enrollment.

### **Finding**

Under State law, impacts on schools will be mitigated through the payment of school impact fees. Project and cumulative increases in school enrollment would be offset through the payment of school fees. Therefore this impact is mitigated to a **less than significant level**.

## **II. ALTERNATIVES TO THE PROPOSED PROJECT**

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### **A. “NO PROJECT” ALTERNATIVE**

#### **1. Description**

Under the No Project Alternative, the project site would continue to be designated *Industrial Park* and *Industrial Park with a Mixed Industrial Overlay*. Therefore, the No Project Alternative could include the site remaining as it is – occupied with office/R&D buildings that could be occupied by the same or new businesses. Future redevelopment could occur under the existing land use designations, which could include removing the existing buildings and redeveloping the entire property with new industrial park uses.

#### **2. Comparison to Proposed Project**

Redevelopment of the site with new industrial park uses would have similar construction impacts as the proposed GPA project on air quality and water quality. The significant transportation, air quality, and noise impacts of the proposed GPA would be avoided. Redevelopment on the site would be subject to similar geology and soils, cultural resource, hydrology and water quality, and biological resource impacts as the proposed

uses. Redevelopment would subject office/R&D buildings on the site to soil conditions and seismic hazards, including liquefaction. Redevelopment may encounter buried cultural resources and result in the removal of trees which would require tree replacement. Redevelopment would also increase the impervious surfaces on the site which may result in additional polluted runoff from the site.

The soil contamination on-site will be remediated under the existing agreement with DTSC whether or not the site is redeveloped. The remediation of contamination on the site would not need to be as extensive under the existing land use designation as it would be if the site were used for residential development, although the remediation program underway provides for unrestricted uses including residential ones with certain conditions and limitations as noted in the Final EIR.

### **3. Finding**

The No Project Alternative reflects the current General Plan. The City finds that this Alternative is infeasible for purposes of CEQA because it would not accomplish any of the project's objectives as described in the EIR and is rejected.

## **B. REDUCED SCALE ALTERNATIVE**

### **1. Description**

Under the Reduced Scale Alternative, the proposed *High Density Residential (25-50 DU/AC)* designation could be used on a smaller portion of the project site comprising approximately 11.9 acres of the 15.5 acre former metal recycling facility at 1633 Oakland Road.<sup>1</sup> The remaining 15.5 acres of the project site could be developed with commercial uses. This reduced acreage of residential uses would avoid placing housing in the area currently approved for the consolidation cell. The consolidation cell could be capped as approved and used for parking to support the larger 15.5 acre commercial development along East Brokaw Road with parking provided on the approved consolidation cell.

### **2. Comparison to Proposed Project**

Development under this scenario would still result in similar traffic impacts as the proposed GPA. The minimum number of units desired to meet the applicant's objectives could be accommodated on the reduced acreage for residential use. Development of 535 residential units on 11.9 acres is within the proposed density range of the GPA resulting in a density of approximately 44 dwelling units per acre. This General Plan change would likely also have fewer residences fronting along the railroad tracks, which would reduce residents' exposure to single-event noise from train passbys.

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<sup>1</sup> The metal recycling facility was at one point approximately 23 acres in size and included the 1040 East Brokaw Road portion of the site, however at the time the facility was closed it was comprised of 18 acres included 2.5 acres located along Coyote Creek that are currently designated for *Private Open Space*.

Development of the Reduced Scale Alternative would not, however, avoid the mitigated ambient noise, cultural resource, biology, geology and soils, hydrology and water quality, cumulative, or construction impacts of the project.

### 3. Finding

The City finds that the Reduced Scale Alternative would not substantially decrease the environmental impacts of the project. This alternative would result in similar traffic impacts as the project and may only slightly reduce the noise impacts to future residents of the site, since this reduced acreage of residential uses would avoid placing housing in the area currently approved for the consolidation cell. All other impacts would be similar to the project with this alternative. In addition, the Reduced Scale Alternative would not fully meet the applicant's basic objectives. Therefore this alternative is determined infeasible and is rejected.

## C. ALTERNATIVE LAND USE #1: COMBINED INDUSTRIAL/COMMERCIAL

### 1. Description

Alternative Land Use Scenario #1 would change the General Plan designation on the entire 27.4 acre<sup>2</sup> site to *Combined Industrial/Commercial*. The *Combined Industrial/Commercial* land use designation allows for the development of a mixture of compatible commercial and industrial land uses. This land use would allow for both *Industrial Park* and *Light Industrial* development as well as *Neighborhood/Community Commercial* and *General Commercial* designations as long as the developments under these commercial uses are not suburban-type shopping centers. A large master planned mixed industrial and commercial area including a grocery store may be considered consistent with this designation. Development intensity could include office development not exceeding a floor area ratio (FAR)<sup>3</sup> of 1.5 and typical commercial, industrial park, and light industrial development not to exceed 0.35 FAR.

### 2. Comparison to Proposed Project

This alternative would avoid the transportation impacts of the proposed GPA. This proposed alternative land use would allow similar types of developments as the existing uses and therefore would not result in substantial changes to the Vehicle-Miles-Traveled (VMT) in proximity to the project site. This proposed Alternative would also avoid the screenline impacts of the proposed GPA. This alternative would avoid the cumulative transportation impacts of the project. Alternative Land Use Scenario #1 would also avoid

<sup>2</sup> The proposed GPA would change the land uses on 27.4 acres of the 29.9 acres of the project site. The additional 2.5 acres of the site adjacent to Coyote Creek would remain designated for *Private Open Space* (refer to *Section 1.3 Description of the Project*).

<sup>3</sup> A ratio of the gross floor area of a building to the total area of the site.

the air quality impacts of the proposed GPA since it would not result in substantially more traffic. This alternative would result in cumulative air quality impacts because the project would increase VMT in the vicinity of the site. This alternative would avoid the significant noise impacts of the project because no sensitive receptors would be exposed to noise levels on the site exceeding the City's thresholds for residential use.

### **3. Finding**

Alternative Land Use Scenario #1 would avoid the GPA air quality, traffic, hazardous materials, and noise impacts of the proposed GPA. All other impacts would be similar to the proposed project under this alternative. It would be more consistent with the current General Plan designation of *Industrial Park* and *Industrial Park with a Mixed Industrial Overlay*. *However, this alternative would not meet the applicant's objectives, is therefore infeasible for purposes of CEQA, and is rejected.*

## **D. ALTERNATIVE LAND USE #2: INDUSTRIAL PARK AND GENERAL COMMERCIAL**

### **1. Description**

Alternative Land Use Scenario #2 would change the General Plan land use designations to *Industrial Park* on 13.7 acres and *General Commercial* on the remaining 13.7 acres of the site. The *Industrial Park* land use designation allows for the development of a wide variety of industrial users such as research and development, manufacturing, assembly, testing and offices. The *General Commercial* land use designation is a non-specialized commercial designation intended to permit miscellaneous commercial uses.

### **2. Comparison to Proposed Project**

Alternative Land Use Scenario #2 would be exempt from the completion of a CUBE model run because it would result in a reduction in peak hour trips at the site. The identified uses would not have significant impacts to traffic, air quality, or noise. The hazardous materials impacts of the project may be reduced due to the non-sensitive nature of the uses allowed under this alternative. The identified uses would result in the same cultural resource, biology, hydrology and water quality, geology and soils, and construction impacts.

### **3. Finding**

Alternative Land Use Scenario #2 would avoid the project air quality, transportation, hazardous materials, and noise impacts of the proposed GPA. All other impacts would not be avoided with this alternative. This alternative would meet certain objectives of the City under current market conditions. However, this alternative would not meet the applicant's objectives, is therefore infeasible for purposes of CEQA, and is rejected.

**E. ALTERNATIVE LAND USE #3: GENERAL COMMERCIAL AND HIGH-DENSITY RESIDENTIAL**

**1. Description**

Alternative Land Use Scenario #3 would change the General Plan land use designation to *General Commercial* on 13.7 acres and *High Density Residential (25-50 DU/AC)* on the remaining 13.7 acres of the site and include a *Floating Park* designation. The *General Commercial* land use designation would allow for the development of non-specialized miscellaneous commercial uses. The *High-Density Residential (25-50 DU/AC)* land use designation similar to the proposed GPA would allow development of three- to four-story apartments or condominiums over parking. The *Floating Park* designation would allow a park in the general area, but details of the size, location, and configuration of the park and surrounding development have not been specified.

**2. Comparison to Proposed Project**

Alternative Land Use Scenario #3 would result in similar transportation impacts to both AM and PM links and screenline link sets in the vicinity of the project site. This alternative would also result in significant air quality impacts due to increases in transportation and noise impacts due to the placement of sensitive receptors near noise sources. The hazardous materials impacts cannot be avoided with this alternative. Depending on the configuration of the identified land uses, hazardous materials impacts from the consolidation cell could be reduced if residential land uses are not designated near this portion of the site. A park could be feasibly developed on the residential portion of the site and would not result in any additional impacts. The identified uses would result in the same cultural resource, biology, hydrology and water quality, geology and soils, and construction impacts as the proposed GPA.

**3. Finding**

The City finds that Alternative Land Use Scenario #3 would not substantially decrease the environmental impacts of the project. This alternative would result in similar impacts as the proposed GPA on transportation, air quality, and noise. These land uses could not avoid the hazardous materials impacts of the proposed project, nor could such impacts be reduced in any feasible manner. The alternative would result in similar cultural resource, biology, hydrology and water quality, geology and soils, and construction impacts as the proposed GPA. Furthermore, this type of commercial development would not meet the

applicant's basic objectives. Therefore, this alternative is determined to be infeasible and is rejected.

**F. ALTERNATIVE LAND USE #4: NEIGHBORHOOD/COMMUNITY COMMERCIAL AND HIGH DENSITY RESIDENTIAL**

**1. Description**

Alternative Land Use Scenario #4 would change the General Plan land use designation to *Neighborhood/Community Commercial* on nine acres and *High Density Residential (25-50 DU/AC)* on 18.4 acres and include a *Floating Park* designation. These land uses are the same land uses currently proposed for the project site, however, the commercial component would be three acres larger under this scenario. The *Floating Park* designation would allow a park in the general area, but details of the size, location, and configuration of the park and surrounding development have not been specified.

**2. Comparison to Proposed Project**

Alternative Land Use Scenario #4 would result in similar transportation impacts as the proposed GPA. This alternative, therefore, would also result in significant air quality impacts. Noise impacts associated with placing sensitive receptors in a high noise environment would also result from this alternative and would be similar to the proposed project. Depending on the configuration of the identified land uses, hazardous materials impacts from the consolidation cell could be reduced if residential land uses are not designated near this portion of the site, although such a configuration would be infeasible from an urban design and economic perspective because commercial uses may need to be located away from major street frontages. A park could be feasibly developed on the residential portion of the site and would not result in any additional impacts. The identified uses would result in the same cultural resource, biology, hydrology and water quality, geology and soils, and construction impacts as the proposed GPA.

**3. Finding**

The City finds that Alternative Land Use Scenario #4 would not substantially decrease environmental impacts of the project. This alternative would result in similar impacts as the proposed GPA on transportation, air quality, and noise. The alternative would result in similar cultural resource, biology, geology and soils, and construction impacts as the proposed GPA. Therefore, this alternative is determined to be infeasible and is rejected.

**G. ALTERNATIVE LAND USE #5: NEIGHBORHOOD/COMMUNITY COMMERCIAL AND MEDIUM HIGH DENSITY RESIDENTIAL**

**1. Description**

Alternative Land Use Scenario #5 would change the land use designations to *Neighborhood/ Community Commercial* on six acres and *Medium High Density Residential (12-25 DU/AC)* on 21.4 acres. The commercial component for this scenario is the same as the proposed GPA, however, the density of the residential uses would be reduced. The *Medium High Density Residential (12-25 DU/AC)* land use designation is typified by two-story apartments and condominiums with surface parking, although structures of greater height with compensating amounts of open space would be possible.

## **2. Comparison to Proposed Project**

Alternative Land Use Scenario #5 would avoid some of the General Plan transportation impacts of the proposed GPA. This scenario would result in some screenline transportation impacts. This scenario would also avoid the GPA's air quality impacts; however, the cumulative air quality impacts would remain significant due to the increase in VMT in proximity to the site. The noise impacts of the project would generally remain the same; however, this scenario (development of lower density residential uses) may reduce the ability of the project to shield outdoor open space from road noise. The use of soundwalls may be required but the City typically discourages the use of soundwalls due to aesthetic considerations. The identified uses would result in similar hazardous materials, cultural resource, biology, hydrology and water quality, geology and soils, and construction impacts as the proposed GPA.

## **3. Finding**

Alternative Land Use Scenario #5 would avoid some of the project impacts, although some noise impacts may be different or greater. The screenline transportation, hazardous materials, cultural resource, biology, geology and soils, and construction impacts would remain the same as the proposed GPA, however this Alternative would designate the site for a reduced residential density and not achieve the project objectives of developing the site with high density residential uses. Therefore, this alternative is determined to be infeasible and is rejected.

## **H. ALTERNATIVE LOCATION #1: WYSE PROPERTY SITE**

### **1. Description**

The Wyse Property is located on the west side of North First Street within the boundaries of the area covered by the North San José Area Development Policy. This 16-acre site is currently being analyzed for a General Plan amendment (GP05-04-08). The currently proposed General Plan amendment would change the land use designation on the Wyse Property site to *Transit Employment Residential District (55+ DU/AC)* on 13 acres and *General Commercial* on three acres. Although smaller than the proposed GPA site, the desired uses could be accommodated on this site. Approximately 826 residential units and 160,000 square feet of commercial uses could be developed on the Wyse Property under the *Transit Employment Residential District* and *General Commercial* land use



designations. This site is located approximately 250 feet from the River Oaks Station on the Guadalupe Corridor LRT line.

## **2. Comparison to Proposed Project**

Similar to the proposed project, this site would be subject to elevated noise levels due to its proximity to North First Street however single event noise would not impact the site. This site would likely result in General Plan transportation impacts similar to the project; however, they would be at a different location with direct access to an LRT transit. This site would also likely result in cumulative air quality impacts due to increased VMT from the proposed conversion. This site would also have geology and soils impacts. This alternative site is also subject to shallow flooding and may propose a risk to future residents of the site due to hazardous materials use by industry in the vicinity of the site (approximately 0.5 miles). Redevelopment at this site with the proposed uses would result in similar significant construction impacts. It is not known whether this site would be subject to similar or worse hazardous materials impacts due to existing site contamination and/or nearby hazardous materials users.

## **3. Finding**

This alternative location would not reduce the significant GPA impacts and also may result in addition significant impacts (i.e. hazardous materials and flooding). In addition, it is uncertain whether this site could be acquired and redeveloped with the proposed uses. Therefore, this alternative is determined to be infeasible and is rejected.

## **I. ALTERNATIVE LOCATION #2: DIRIDON/ARENA AREA BALLPARK SITE**

### **1. Description**

This site is located in the vicinity of the San José Diridon Station (refer to Figure 17). This site is approximately 23.1 acres and located within the Midtown Specific Plan Area of the City's General Plan. This site is designated for *Transit-Oriented Mixed Use*, *Public/Park Open Space*, *General Commercial*, and *Public/Quasi-Public* land uses. The proposed GPA could be proposed on this site. Although the site is smaller in acreage, similar amounts of residential and commercial development could be accommodated on the site.

### **2. Comparison to Proposed Project**

Designation of this site for higher density residential and neighborhood/community commercial land use may result in similar proximity area and screenline transportation impacts. Similar to the project site, this site would be exposed to high noise levels due to the adjacent railroad tracks and roadway noise. Cumulative air quality impacts would also occur since a GPA on this site would likely increase Vehicle-Miles-Traveled. Hazardous materials impacts involving site contamination may be avoided.

Redevelopment of this site with high density residential and commercial uses would result in impacts to cultural resources including archaeological resources and historic buildings. Biological resource impacts from tree removal would decrease and possible impacts to nesting raptors in the Los Gatos Creek corridor would be similar to the proposed GPA. Geology and soils impacts would be greater on this site due to possible differential settlement and expansive soils. Future construction impacts on this site would be similar to the proposed GPA site.

### **3. Finding**

This alternative location would not meet the applicant's objectives for the proposed GPA. It is not known whether the applicant could acquire or obtain control over this property. This alternative location would not substantially reduce the impacts of the proposed GPA and may result in additional impacts that would not otherwise occur on the proposed GPA site. Therefore, this alternative is determined to be infeasible and is rejected.

## **III. MITIGATION MONITORING AND REPORTING PROGRAM**

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CEQA allows for the annual report on general plan status required pursuant to the Government Code to constitute the reporting program for adoption of a City general plan. CEQA Guidelines Section 15097(b) states, "Where the project at issue is the adoption of a general plan, specific plan, community plan or other plan-level document (zoning, ordinance, regulation, policy), the monitoring plan shall apply to policies and any other portion of the plan that is a mitigation measure or adopted alternative. The monitoring plan may consist of policies included in plan-level documents. The annual report on general plan status required pursuant to the Government Code is one example of a reporting program for adoption of a city or county general plan.

## **IV. STATEMENT OF OVERRIDING CONSIDERATIONS**

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The City Council of the City of San José adopts and makes the following Statement of Overriding Considerations regarding the significant, unavoidable impacts of the Project and the anticipated benefits of the Project.

### **A. SIGNIFICANT UNAVOIDABLE IMPACTS**

With respect to the foregoing findings and in recognition of those facts that are included in the record, the City has determined that the Project will result in significant unmitigated impacts to proximity transportation (project and cumulative), screenline transportation (project and cumulative), and regional air quality (project and cumulative) as disclosed in the FEIR prepared for this Project. The impacts would not be reduced to a less than significant level by feasible changes or alterations to the Project.

### **B. OVERRIDING CONSIDERATIONS**

After review of the entire administrative record, including—but not limited to—the FEIR, the staff report, applicant submittals, and the oral and written testimony and evidence presented at public hearings, the City Council finds that specific economic, legal, social, technological and other anticipated benefits of the Project outweigh the unavoidable adverse environmental impacts, and therefore justify the approval of this Project. The City Council specifically adopts and makes this Statement of Overriding Considerations that this Project has eliminated or substantially lessened all significant effects on the environment where feasible (including the incorporation of feasible mitigation measures), and finds that the remaining significant, unmitigated or unavoidable impacts of the Project described above are acceptable because the benefits of the Project outweigh them. The City Council finds that each of the overriding considerations expressed as benefits and set forth below constitutes a separate and independent ground for such a finding. The Project will result in the following substantial benefits, which constitute the specific economic, legal, social, technological and other considerations that justify the approval of the Project:

**C. BENEFITS OF THE PROJECT**

Approval of the Project would further the following San Jose 2020 General Plan Major Strategies:

**1. Growth Management Major Strategy:**

The Project proposes land use designations that would potentially allow redevelopment of the site with infill residential development in an urbanized area located on Oakland Road, which is also along bus routes. Potential reuse of an underutilized brownfield property within an urbanized area where urban facilities and services are already available is consistent with the City's Growth Management Major Strategy, which has been in place since the early 1970's, and which reduces the demand and cost of new development at the fringe of the City.

**2. Sustainable City:**

The Project contributes to the Sustainable City Major Strategy by potentially providing the opportunity for infill development in an urbanized area where facilities and services are already available, hence reducing the need for the City to extend urban services to undeveloped areas of the City. The Project site is within 0.6 mile of school services such as Orchard Elementary School and 2.6 miles from the Independence High School. In addition, there are two parks (North Coyote Park and Overfelt Gardens Regional Park) and two fire stations (Station No. 5 and No. 23) within 2.5 miles of the site, further contributing to sustainability. Furthermore, the Project facilitates reuse of a brownfield site by providing up to 6 acres of land designated for retail/commercial uses and up to 1,070 residential units.

**3. Greenline/Urban Growth Boundary Strategy:**

The Project supports the Greenline/Urban Growth Boundary Major Strategy by potentially providing the opportunity for high-density infill housing development. Redevelopment of the site would further the San Jose 2020 General Plan's Greenline/Urban Growth Boundary Major Strategy by furthering the direction of growth within existing urbanized areas where urban services exist in order to control services costs and further preservation of natural resources by reducing the pressure to build more housing at the fringe of the City.

ADOPTED this 12<sup>th</sup> day of December, 2006, by the following vote:

AYES: CAMPOS, CHAVEZ, CORTESE, LeZOTTE, NGUYEN,  
PYLE, WILLIAMS; GONZALES

NOES: CHIRCO, REED

ABSENT: NONE

DISQUALIFIED: NONE

VACANT DISTRICT 6

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RON GONZALES  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk